

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.2119 OF 2006

M/s.Chandra Electronics & Ors. .. Applicants.
Vs.
M/s.Mirc Electronics Ltd. & Ors. .. Respondents.

Mr.Rajendra Singh i/b Mr.Suresh M.Jain for the
applicants.
Mr.P.A.Pol A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 23RD JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. The application is directed against the order of issue of process in case No.0.S.C/25/06 passed by the learned Judicial Magistrate, First Class, Wada, Dist. Thane against the applicants under 138 of the Negotiable Instruments Act. The applicants have approached this court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and Others Vs. Pratap V. Padode and Anr. 2005(3) Mh.L.J.778** while dealing with similar application considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision

against such order is maintainable. In the circumstances, this application is disposed of with liberty to the applicants to file revision before the appropriate Court against the order impugned in the instant application. If such revision is filed same may be considered in accordance with law.

(D.B.Bhosale, J.)